

January 2006

Update: Friend of the Court Domestic Violence Resource Book (Revised Edition)

CHAPTER 1

Understanding Domestic Abuse

1.6 Abusive Tactics

Effective January 1, 2006, 2005 PA 184 amended MCL 780.811(1)(a). The amendment expanded the list of “serious misdemeanors” to include misdemeanor violations of MCL 750.145d, using the internet or a computer to make a prohibited communication, and violations of MCL 750.233, intentionally aiming a firearm without malice. MCL 780.811(1)(a)(vii) and (viii). On page 17, add these offenses to the cross-reference, indicated with *, addressing MCL 780.811(1)(a).

CHAPTER 2

Screening and Case Management

2.13 Confidentiality of Records Identifying the Whereabouts of Abused Individuals

C. Confidentiality of Information Disclosed in Responsive Pleadings, Motions, and Court Judgments or Orders

Effective January 1, 2006, MCR 3.211(D) was amended. At the bottom of page 63, replace the second bullet with the following text:

MCR 3.211(D)(1) requires all orders for child support or spousal support be prepared and submitted on the standard Uniform Support Order form. MCR 3.211(F) requires the use of a “Judgment Information Form,” which includes sensitive personal information regarding parties and their families. The Staff Comment to the amended rule indicates that MCR 3.211(F) “allows personal information concerning a party to be provided to the friend of the court in a document separate from the court order, which is a public document.”

CHAPTER 8

Criminal Court Proceedings Involving Domestic Violence

Part II—Criminal Procedures That May Affect Domestic Relations Proceedings

8.7 Conditional Release on Bond Prior to Trial

C. Contents of Conditional Release Orders

Effective January 1, 2006, MCR 6.106(D)(2) was amended. Insert the following new provision “(m)” in the quoted text near the middle of page 234, and reletter the existing “(m)” and “(n)” accordingly.

“(m) comply with any condition limiting or prohibiting contact with any other named person or persons. If an order under this paragraph limiting or prohibiting contact with any other named person or persons is in conflict with another court order, the most restrictive provision of each order shall take precedence over the other court order until the conflict is resolved.”

E. Conditional Pretrial Release Orders and Concurrent Domestic Relations Proceedings

Effective January 1, 2006, MCR 6.106(D)(2)(m) provides that if a pretrial release order limiting or prohibiting contact with any other named person conflicts with another court order, “the most restrictive provision of each order shall take precedence over the other court order until the conflict is resolved.” On page 235, conflicting court orders are addressed. Add consideration of MCR 6.106(D)(2)(m) to the existing text.